

Feb-09-09 03:10pm From-SIMBAS

T-424 P.005/005 F-727

PTO/SB/17 (10-08)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).

# FEE TRANSMITTAL For FY 2009

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 885.00

## Complete if Known

Application Number 10/606,751  
Filing Date June 27, 2003  
First Named Inventor Magdy Younes  
Examiner Name Danon D. DeMille  
Art Unit 3771  
Attorney Docket No. 11788-7 MIS:jb

RECEIVED

FEB 17 2009

OFFICE OF PETITIONS

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):  
☒ Deposit Account Deposit Account Number: 192253 Deposit Account Name: Sim & McBurney

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195
Total Claims		
Extra Claims		
Fee (\$)		
Fee Paid (\$)		
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims		
Extra Claims		
Fee (\$)		
Fee Paid (\$)		
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)  
Other (e.g., late filing surcharge): Corrective Issue Fee and Late Filing Fee \$885.00

## SUBMITTED BY

Signature [Signature] Registration No. 24,973 Telephone 416-849-8400  
Name (Print/Type) Michael I. Stewart Date February 9, 2009

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Feb-09-09

03:10pm

From-SIMBAS

T-424

P.003/005 F-727

USPTO  
IS ACCEPTING**Sim & McBurney**

Patent and Trade Mark Agents

2009 FEB 11 PM 5:47

330 University Avenue  
6th floor  
Toronto, Canada  
M5G 1R7Telephone (416) 595-1155  
Fax (416) 595-1163

MICHAEL L. STEWART, B.Sc. (Hons.)  
TONI POLSON ASHTON, LL.B.  
KENNETH D. MCKAY, LL.B.  
TIMOTHY M. LOWMAN, LL.B.  
STEPHEN M. LANE, B.A.Sc.  
DAVID A. RUSTON, B.Sc. (Eng)\*  
LOLA A. BARTOSZEWICZ, Ph.D.  
ANDREW R.O. JONES, LL.B.  
KIMBERLY A. MCMANUS, Ph.D.  
MATTHEW D. POWELL, B.Sc. (Eng)\*

Please Quote

Our ref. 11788-7 MIS:jb

Your ref.

Writer's Direct Dial: 416-849-8400

E-mail: [mistewart@sim-mcburney.com](mailto:mistewart@sim-mcburney.com)

February 9, 2009

Via Facsimile (571) 273-8300

**RECEIVED**

FEB 17 2009

**OFFICE OF PETITIONS**

PATRICK J. COTTER, LL.B.  
JAIDIP CHATTERJEE, Ph.D.  
MARLYN MONFISTON, LL.B.  
LORRAINE M. FLECK, M.Sc.  
A. SUMEET CHEUNG, B.Eng. (EP)\*

SENIOR CONSULTANTS  
PETER W. MCBURNEY, B.Sc.\*  
BRENDA L. BOARDMAN, B.A.  
JOHN H. WOODLEY (1947-2008)  
PATRICIA A. RAE, Ph.D.

TECHNICAL ASSISTANTS  
RUPINDER HANS, J.D.  
GENEVA RICHARD, LL.B.  
ERICA L. LOWTHERS, Ph.D.  
MICHAEL G. PLONKA, B.Sc. (Eng)\*  
EVANGELLOS W. VEKIS, Ph.D.

\*Professional Engineer

Mail Stop Issue Fee  
Commissioner of Patents  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
U.S.A.

Dear Sir:

RE: US Patent Application No: 10/606,751  
Applicant: Magdy Younes  
Filed: June 27, 2003  
Examiner: Danon D. DeMille  
Group No.: 3771  
Title: METHOD AND APPARATUS MONITORING AND IMPROVING  
PATIENT-VENTILATOR INTERACTION

The issue fee due January 2, 2009 was paid at the Small Entity rate. The patentee is now a Large Entity and the Small Entity fee was paid in error.

Pursuant to 37 CFR 1.28(c), enclosed is our deposit account payment of the difference between the large entity rate and the small entity rate and the late payment fee. Pursuant to 37 CFR 1.28(c)(2)(ii), the following itemization is provided:

- (A) Type of Fee erroneously paid: Issue fee
- (B) The Amount of Entity Fee actually paid and when:  
Fee: \$755.00 Date: December 24, 2008
- (C) The deficiency owed amount:  
Fee: \$755.00



- 2 -

(D) The total deficiency owed amount and late fee:  
Fee: \$885.00


**RECEIVED**

FEB 17 2009

**OFFICE OF PETITIONS**

It is requested that the PTO confirm that the payment of the maintenance fee as a small entity is excused and that the deficiency payment has been accepted.

Yours very truly,

  
\_\_\_\_\_  
Michael I. Stewart  
Reg. No. 24,973

Enclosure(s)